

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

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)  
) MDL No. 1456  
)  
) Civil Action No. 01-CV-12257 PBS  
)  
) Judge Patti B. Saris  
) Chief Magistrate Judge Marianne B.  
) Bowler

THIS DOCUMENT RELATES TO  
CLASS 1 JURY TRIAL (BMS)

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**BMS’S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE  
RELATING TO APOTHECON INC.**

Pursuant to Rules 103, 401, 402 and 403 of the Federal Rules of Evidence, Defendants Bristol-Myers Squibb Company and Oncology Therapeutics Network Corporation (together “BMS”) respectfully move this Court to exclude all evidence relating to Apotthecon, Inc. The grounds for this motion are set forth in the BMS’s Memorandum of Law in Support of Its Motion in Limine to Exclude All Evidence Relating to Apotthecon Inc.

WHEREFORE, for the reasons set forth in the memorandum described above, BMS respectfully requests that the Court grant their motion and enter an order:

- a. excluding all evidence relating to Apotthecon, Inc.; and
- b. providing such other and further relief as the Court deems just and proper.

Dated: Boston, Massachusetts  
June 11, 2007

Respectfully submitted,

By: /s/ Jennifer M. Ryan  
Thomas E. Dwyer (BBO No. 139660)  
Jennifer M. Ryan (BBO No. 661498)  
**DWYER & COLLORA, LLP**  
600 Atlantic Avenue  
Boston, MA 02210  
Tel: (617) 371-1000  
Fax: (617) 371-1037  
tdwyer@dwyercollora.com  
jryan@dwyercollora.com

Steven M. Edwards (SE 2773)  
Lyndon M. Tretter ((LT 4031)  
Admitted *pro hac vice*  
**HOGAN & HARTSON LLP**  
875 Third Avenue  
New York, NY 10022  
Tel: (212) 918- 3640

*Attorneys for Defendants Bristol -Myers Squibb  
Company and Oncology Therapeutic s Network  
Corp.*